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10 JUL 2006

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In re Application of:	:	
KENNEDY, Sheila, et al.	:	DECISION ON PETITION
U.S. Application No.: 10/526,514	:	(37 CFR 1.47(a))
PCT No.: PCT/US2003/027535	:	
Int'l Filing Date: 04 September 2003	:	
Priority Date: 04 September 2002	:	
Attorney's Docket No.: HMI P1192US2	:	
For: CEILING SYSTEM WITH	:	
TECHNOLOGY	:	

This decision is issued in response to applicants' petition under 37 CFR 1.47(a), filed 22 May 2006. Applicants have submitted the applicable petition fee of \$200.

BACKGROUND

On 04 September 2003, applicants filed international application PCT/US2003/027535. The international application claimed a priority date of 04 September 2002, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 04 March 2005.

On 04 March 2005, applicants filed a Transmittal Letter for entry into the U.S. national stage accompanied by, among other materials, payment of the basic national fee.

On 20 October 2005, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration acceptable under 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date were required.

On 22 May 2006, applicants filed a response to the Notification Of Missing Requirements (with the required five-month extension fee). The response included payment of the required surcharge, a declaration executed by five of the seven named inventors, and the petition under 37 CFR 1.47(a) considered herein. The petition seeks acceptance of the application without the signature of the remaining inventors, Joseph Chi-Chen HO and Bill Chen-Hsun YEN, whom applicants assert cannot be reached or located after diligent effort.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the nonsigning inventor; (3) an oath or declaration by the other inventors on behalf of the other inventors on behalf of themselves and the nonsigning inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have submitted the required petition fee, and the petition sets forth the last known addresses of the non-signing inventors. Accordingly, items (1) and (2) are satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by five of the seven inventors and including unsigned signature boxes identifying the two nonsigning inventors. This declaration is treated as having been executed by the available inventors on their own behalf and on behalf of the nonsigning inventor. Item (3) is therefore satisfied.

Regarding item (4), the petition asserts that the nonsigning inventors cannot be reached or located after diligent effort. In support of this assertion, applicants have submitted statements from Thomas L. Lockhart and Jodi Russo, with supporting documents, describing efforts made to locate the nonsigning inventors, including numerous online searches. These materials provide an acceptable showing that the nonsigning inventors cannot be reached or located after diligent effort. Item (4) is therefore satisfied.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signature of inventors Joseph Chi-Chen HO and Bill Chen-Hsun YEN.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the inventors of the application will be forwarded to the nonsigning inventors at their last-known addresses, as set forth in the petition.

The application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 22 May 2006.



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In re Application of: KENNEDY, Sheila, et al.
U.S. Application No.: 10/526,514
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Int'l Filing Date: 04 September 2003
Priority Date: 04 September 2002
Attorney's Docket No.: HMI P1192US2
For: CEILING SYSTEM WITH TECHNOLOGY

Dear Mr. HO:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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In re Application of: KENNEDY, Sheila, et al.
U.S. Application No.: 10/526,514
PCT No.: PCT/US2003/027535
Int'l Filing Date: 04 September 2003
Priority Date: 04 September 2002
Attorney's Docket No.: HMI P1192US2
For: CEILING SYSTEM WITH TECHNOLOGY

Dear Mr. YEN:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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